3. Permanent off-premise signs except as expressly allowed under Section IX;

4. Any sign erected or painted upon a fence, tree, standpipe, rock, or other natural feature, except where certain signs are expressly allowed on fences under Section VIII.

5. Any sign attached to or painted on a fire escape or utility pole, except the manufacturer's or installer's ID plate which shall not be legible from a distance of more than three (3) feet.

6. Signs which contain flashing or intermittent illuminations, except where expressly allowed in accordance with Section VII.E.

7. Portable signs except as allowed under Section VII.L.

8. Signs that produce sound or noise; cause interference with radio, telephone, television or other communication transmissions; produce or reflect motion pictures; emit visible smoke, vapor, particles, or odor; are animated or produce any rotation, motion or movement. A sign on which the message is changed electronically not more than one time per eight seconds shall not be considered to be an animated sign or a sign with movement, but is still classified as a changeable copy sign.

Sec. V. Definitions.

The following words and terms shall have the following meanings when used in this chapter. Words and phrases not defined in this chapter but defined in Chapter 16-8 shall be given meanings set forth therein. Principles for computing sign area and sign height are contained in Section VI. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this chapter.

1. "Abandoned sign" means a nonconforming sign or sign structure which has not been utilized for a period of one hundred eighty (180) days or more, or a sign, the contents of which pertain to a place, time, event or purpose which no longer exists, applies or which has occurred. However, such sign may be used by the current landlord for its leasing and management and shall be available for use by its new tenant so long as the structure of the sign is not modified. Any nonconforming sign used solely for leasing and management, rather than by a tenant, for a period of 365 days consecutively following the initial one hundred and eight (180) days of non-use must be removed as abandoned

2. "A-Frame or sandwich board sign" means a type of detached sign in which the back bracing is in the shape of an "A."

3. "Animated sign" means a sign which uses movement or change of lighting to depict action or create a special effect or scene.

4. "Area of copy" means the area which fully encloses the extreme limits of the message, copy, announcement or decoration on a sign. Any cutouts or extensions shall be included in the area of the sign, but supports and bracing which are not intended as part of the sign shall be excluded.

5. "Attached sign" means a sign permanently attached to a building, awning, canopy, marquee, wall or roof.

6. "Awning" means a roof-like structure that serves as a shelter, as over a storefront, window, door or deck.

7. "Awning sign" means any sign constructed of fabric-like nonrigid material which is a part of a fabric or flexible plastic awning and which is framed and attached to a building.

8. "Awning sign, fabric" means any sign constructed of fabric-like nonrigid material which is a part of a fabric or flexible plastic awning and which is framed and attached to a building.

9. "Awning sign, metal" means any sign constructed on thin metal material which is a part of a metal awning used to provide shade to a window or cover from the elements at an entrance and which is framed and attached to a building.

10. "Background area" means the entire surface of a sign on which copy is placed provided, however, only the rectangular block formed by the outermost points of the actual letters shall be considered if placed upon the permanent surface of a building. Any pictorial element that is part of a sign placed upon the permanent surface of a building which extends outside of the rectangular block described above shall be treated as an irregularity rather than an extension of the sign's lettering. Such irregularities and logos shall be blocked separately and considered as part of the total sign area.

11. "Bench sign" means any sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

12. "Central business improvement district (CBID and CBIDII)" means the area, more particularly described in Chapters 12-32 through 12-44 of the City of Memphis Code.

13. Center, Integrated. "Integrated center" means a group or assemblage of two or more establishments served by common immediate off-street parking and/or shared access.

14. Changeable Copy Video Sign, Automatic. "Automatic changeable copy video sign" means a type of sign on which the copy changes automatically by means of intermittent lighting and includes both standard lighting elements and digital signs.

15. Changeable Copy Mechanical Sign, Automatic. "Automatic changeable copy mechanical sign" means a type of sign on which the copy changes automatically by means of mechanical rotation of the sign elements. This includes tri-vision and other signs that rotate sign parts to display new messages.

16. Changeable Copy Sign, Manual. "Manual changeable copy sign" means any sign on which copy is changed manually and copy is shown on the same sign face such as reader boards with changeable letters or changeable pictorial panels but not limited to the above.

17. "Collector street" means streets having a right-of-way of between sixty (60) and sixty-eight (68) feet which penetrate neighborhoods, collecting traffic from local streets and channeling it to the arterial street system.

18. "Commercial Message" means words, symbols, logos, pictures or any combination thereof that identify or which directs attention to a business, commodity, service or entertainment sold or offered for sale or a fee.

19. "Complex" means a group of a specific number of lots or number of dwelling units.

20. "Complex sign" means a sign which has been approved to serve a complex.

21. "Controlled access road" means a street or highway with the sole purpose of carrying through traffic with the highest degree of mobility and safety, providing no driveway access to abutting properties.

22. "Copy (permanent and temporary)" means the wording or pictorial graphics on a sign surface either in permanent or removal form, excluding numerals identifying a street address only.

23. "Depositories" means outdoor containers for the receipt of mail or parcels for delivery by the United States Postal Service or a private parcel service.

24. "Detached sign" means a sign not attached to or forming part of a building or as otherwise defined herein.

25. "Double-faced sign" means a sign with two faces which are usually parallel and back-to-back.

26. "Emergency stopping lane" means a paved lane or shoulder adjacent to travel lines on the public right-of-way.

27. "Establishment" means a principal business or activity including institutional uses.

28. "Face of sign" means the entire area of sign upon, against or through which copy could be placed, as computed in accordance with Section VII.A.

29. "Flashing sign" means a sign which contains an intermittent or sequential flashing light source used to attract attention.

30. "Foot lambert" means a unit of luminance equal to one, divided by 3.14 candela per square foot.

31. "Freestanding sign" means any detached sign supported by one or more upright poles, columns, or braces placed in, upon or supported by the ground and not attached to any building or structure. Freestanding signs are generally categorized as having two classes: pole, post or pylon signs, and ground signs of which monument signs are a subclass.

32. "Frontage" means the distance along a zoning lot line which abuts a public street or private drive, other than an alley.

33. "Ground sign" means a class of freestanding sign, which is anchored to the ground similar to a pole, post or pylon sign, but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top of the sign. Height and setbacks are to be the same as for freestanding signs.

34. "Holiday decorations" refers to decorative elements of a temporary nature intended for the acknowledgement of a holiday or holiday season; this definition does not include any decoration including a commercial message.

35. "Integrated center sign" means a sign approved to serve an integrated center.

36. "Interstate Highway" means any highway which extends into adjacent states but which is not a federally designated Interstate highway. These include Highways 51, 61, 64, 70, 72, 78 and 79.

37. "Interstate Highway, U.S.," means one of the following federally designated Interstate highways: Interstate 40, Interstate 55 and Interstate 240, and any extensions, additions or other sections of highway subsequently designated as federal Interstate highways.

38. "Legible." A sign or message is "Legible" when it can be understood by a literate person .Where this ordinance requires a determination of "visibility" or "legibility," the standard shall be based on the eyesight of an adult eligible to receive a Tennessee driver's license (wearing any corrective lenses required by such license). Where the height of the person is material to the determination, the person shall be presumed to be more then five feet and less than six feet tall.

39. "Lot" means a tract of land with at least sixteen (16) feet of road frontage, occupied by, or designed to be developed for a building and its accessory buildings, or a principal use, together with such open space and yards as are designed and arranged to be used with such buildings or use.

40. Lot, Zoning. "Zoning lot" means a lot of record as recorded in the Shelby County register's office, or a parcel of land of at least four acres in area with independent frontage of at least fifty (50) feet on a dedicated road.

41. "Luminance" means the luminous intensity per unit of projected area of a given surface viewed from a given direction.

42. "Maintenance," for the purpose of this chapter, means the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

43. "Mansard" means an inclined decorative roof-like projection that is attached in an exterior building facade.

44. "Marquee" means any hood, awning or canopy of permanent construction, projecting from the wall of a building above an entrance or projecting over walkways.

45. "Minor Street" means local streets of less than sixty (60) feet in right-of-way, offering the lowest level of mobility with through traffic deliberately discouraged.

46. "Monument sign" means a sign which is anchored to the ground similar to a pole, post or pylon sign, but which is mounted on a low or small dressed base or platform which encloses the structural members that support the sign with brick, decorative masonry, natural and decorative stone, masonry with a stucco finish, or painted metal with the bottom of the sign face at or within a few feet of the base at grade and not exceeding ten (10) feet in overall height.

47. "Nonconforming sign" means any sign, including signs approved by the Board of Adjustment, which was lawfully erected and maintained before the action making them nonconforming takes effect and which currently fails to meet one or more applicable regulations, standards or restrictions of this chapter.

"Off-premise sign" means a sign bearing a commercial message related to a business, service goods or other commercial activity not available on the zoning lot on which the sign is located.

48. "Outdoor advertising display" means any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, strip, line, trademark, reading matter, or illuminated service, which shall be so constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise, whatsoever,

which is displayed in any manner whatsoever outdoors.

49. "Parapet" means the extension of a false front or wall above a roof line.

50. "Permanent signs" means a sign whose removal within a specified period of time is not required by this chapter and which otherwise complies with the provisions of this chapter.

51. "Pole cover or jacket" means a cover or jacket consisting of painted metal, brick, decorative masonry, natural and decorative stone, or masonry with a stucco finish which encloses and is permanently attached to the sign pole, post or pylon that supports the sign. No additional copy or lettering is permitted on the pole cover, except for street address numbers.

52. "Pole sign, post or pylon" means an on-premise freestanding sign that is supported by one or two uprights upon the ground, exceeding ten (10) feet in height, which are not attached or braced by any other structure, but which by reason of height, width or other characteristic does not qualify as a "ground sign."

53. "Portable sign" means any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs made as A-frames or T-frames; menu and sandwich board signs; balloons used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

54. "Projecting sign" means a sign that is wholly or partly dependent upon a building for support and which projects more than eighteen (18) inches horizontally from a building at the point of basic attachment. A projecting sign shall be regulated as a detached sign.

55. Road, Major Arterial. "Major arterial road" means streets identified in the most current Memphis Metropolitan Planning Organization's Long Range plans as major arterial roads. They are intended to provide unity throughout contiguous urban area. These roads usually form boundaries for neighborhoods and are characterized as having minor access control. Parking on these streets is generally prohibited and most of its intersections are channelized. Major arterial roads are normally provided with between sixty-nine (69) and one hundred sixty (160) feet of right-of-way.

56. "Roof line" means the top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of the facade or parapet.

57. "Roof sign" means a sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building, the highest point of the sign being no more than ten (10) feet above the highest point of such building, of which the supporting structure shall not be visible. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies, parapets or marquees shall not be considered to be roof signs. For a visual reference example of a roof sign, and a comparison of differences between roof and fascia (wall) signs, see Figure 1.

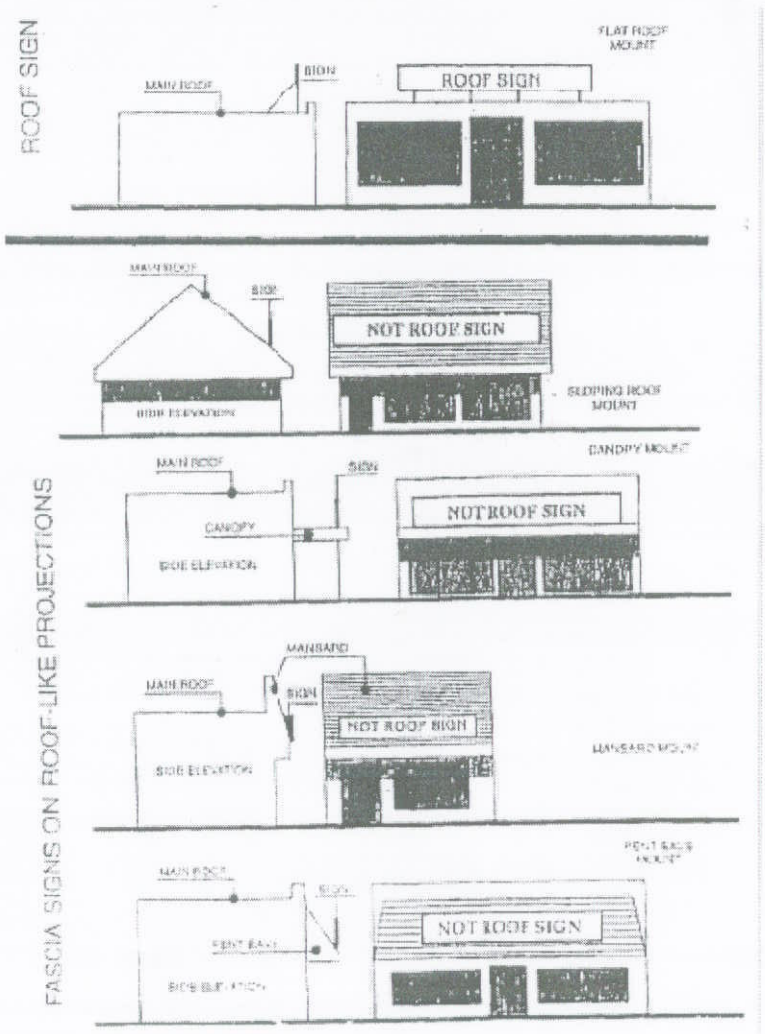


Figure 1 Comparison-Roof and Wall or Fascia Signs

58. "Setback" means a continuous line on a property that is parallel to any lot line and that is a designated distance from the right-of-way line.

59. "Sidewalk sign" means a freestanding sign all or part of which is located on a sidewalk.

60. "Sign" means any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. "Sign" shall include any outdoor advertising display bearing a commercial message.

61. "Signable area" means an area on the facade of a building, located in one of the Uptown Memphis zoning districts, below the roof line which is free of windows, doors or major architectural details and not higher than the lowest of the following: twenty-five (25) feet above the adjoining sidewalks, the bottom window sills of the second story or the highest part of the building between the head of the top story window and the underside of the roof. The Uptown Memphis Zoning districts were created with the adoption by the Memphis City Council and Shelby County Commission of the Comprehensive

Uptown Memphis Rezoning and Redevelopment Plan in 2001 and a description of its boundaries can be found in that Plan.

62. "Temporary sign" means a sign whose removal within a specific period of time is required by this chapter and which otherwise complies with the provisions of this chapter.

63. "Vending machine" means a device which dispenses one or more commodities from an internal compartment and which must be periodically stocked with those commodities.

64. "Vision triangle" means an area up to ten (10) feet in height above the ground, bounded by the right-of-way lines of two intersecting roads and a line connecting two points that are twenty (20) feet from the intersection along each right-of-way.

65. "Wall sign" means a sign which is painted on or attached to a wall, not to exceed five hundred (500) feet in gross surface area and is within the perimeters of the wall.

66. "Wayfinding sign" means an on-site sign providing pedestrians or vehicle traffic with direction information or traffic control requirements and containing no commercial message.

67. "Window graphic" means a sign which is attached to or which is legible by looking into a window from the public right of way.

Sec. VI. Classification Of Signs.

A. Signs shall be generally classified as signs bearing a commercial message or not bearing a commercial message, and, as temporary or permanent signs, which are all defined in Section V. Signs bearing a commercial message shall be further classified as those bearing off-premise commercial messages, generally called "off-premise" signs or "billboards," and all other commercial signs.

B. Signs shall be classified as follows, according to structure and as defined in Section V.

1. Attached signs:
    a. Awning, canopy or marquee signs;
    b. Wall sign;
    c. Window graphic;
    d. Roof sign.

2. Detached signs:
    a. A-frame sign;
    b. Ground sign;
    c. Pole, post or pylon sign;
    d. Portable sign;
    e. Projecting sign;
    f. Sidewalk sign.

3. Changeable Copy Signs:

Sec. VII. General Standards.

A. Computation of Gross Surface Area.

1. Signs Other than Wall Signs

The gross surface area of a sign, except wall signs, is the entire area contained within a single continuous perimeter enclosing the extreme limits of such sign. For detached signs composed of more than one sign cabinet or module, the gross surface area shall include the sum of the area in each cabinet or module only. If a sign has more than one face, the gross surface area shall be equal to the maximum area of the sign face or faces visible from any ground position along any public right-of-way at any one time. The perimeter of a sign will not include lighting fixtures, pole covers, landscaping, framing, decorative roofing, moldings or aprons or other architectural or decorative embellishments, provided they contain no written copy, logos or symbols.

2. Wall Signs

The gross surface area of a wall sign is the entire area contained within a single continuous perimeter, in a single geometric plane, which encloses the extreme limits of the advertising message(s), not including any irregularities or logos that are to be measured separately and included to determine the sign's gross surface area. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, color or embellishment, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined area of the individual figures shall be considered the total sign area.

3. Computation of Area of Multifaced Signs.

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point along any public right-of-way, public property or private property, other than the zoning lot on which the sign is located, at one time. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point along a public right-of-way, public property or private property other than the zone lot on which the sign, is located at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.

4. Computation of Maximum Total Permitted Detached Sign Area for a Zoning Lot.

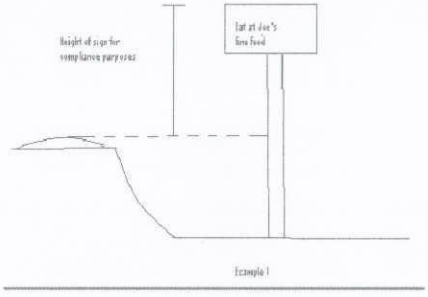
The permitted sum of the area of all individual detached signs on a zoning lot shall be computed by multiplying the zoning lot foot frontage (F) times (x) the appropriate multiplier (M) shown in Table 1, Detached Sign Area and Height and Table 2, Integrated Center Sign Area and Height, set out at the end of this chapter, for the type of street on which the lot is

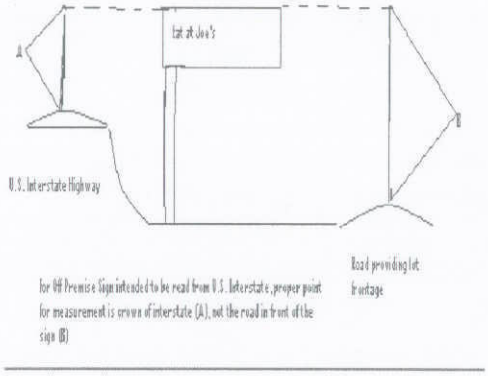
located. When a particular lot abuts two or more streets, the area for a sign(s) shall be computed on a basis of a single street frontage calculated from the intersection of the two street right-of-way lines.

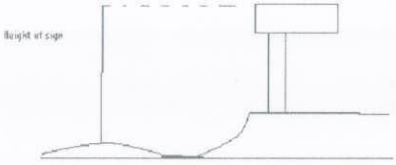
B. Measurement of Height of Sign.

Sign height shall be measured from the elevation of the crown of the road that provides frontage for the lot on which the sign is located. This shall be considered the base elevation. The top elevation will be the highest point of the highest element of the sign, excluding any incidental structural element, such as an uplift cable for a projecting sign. For permanent off-premise signs oriented to be viewed from a U.S. Interstate, the height shall be based on the elevation of the crown of the interstate perpendicular to the sign support pole(s). In the event this location is a multi-level ramp or flyover, the lowest roadway level will be used as the starting elevation.

See Examples below.







Example 2

C. Sign Setback and Location on the Lot.

No sign greater than six square feet in area shall be erected in a nonresidential zoning district or in the nonresidential portion of an approved planned development closer than ten (10) feet to any lot line. No sign shall extend into any right-of-way except projecting signs where a building is located within six feet of the right-of-way.

D. Illuminated Signs.

1. Externally illuminated signs shall be shaded wherever necessary to avoid casting a direct beam of light upon property located in any residential district and the residential portion of an

approved planned development.

2. No sign legible from any public right-of-way shall utilize:

a. Any exposed incandescent lamp with a wattage of more than sixty (60) watts unless a dimmer or sun screen is attached;

b. Any revolving beacon light;

c. A luminance in excess of three hundred fifty (350) foot lamberts measured at the sign face;

3. Signs in the Agricultural (AG), Estate Residential (R-E), Single Family Residential (R-S), Duplex Residential (R-D), Townhouse Residential (R-TH), Multiple Dwelling Residential (R-M) and Office (O) districts may be illuminated but not flash, revolve, oscillate, be animated or create an illusion of continuous movement.

4. Flashing and movement on signs in all other districts is subject to Section VII.E., immediately following.

E. On-Site Flashing Signs, Moving Signs and Changeable Copy Signs.

1. General Rule

On-site signs that move, flash or simulate movement are prohibited except as allowed under this section or where allowed in accordance with the sign standards for portions of the Central Business Improvement District in Chapter 12-36 of the City of Memphis Code. A changeable copy sign is considered a different classification of sign under this ordinance; conversion of an existing sign to a changeable copy sign or to add changeable copy elements to it is allowed only if the modified sign will conform with all standards in this section and with all other applicable standards related to the location, height, size and other characteristics of the sign. Conversion of an existing sign to tri-vision or changeable copy technology shall require a permit in accordance with Section III.B.

2. Rules for Changeable Copy Signs Allowed under this Chapter

Automatic changeable copy signs shall be permitted only in those districts in which "changeable copy sign, automatic" is listed as a permitted sign type and shall be subject to the following additional restrictions:

a. Such technology shall be programmed so that the message or image on the sign changes no more often than every eight seconds.

b. There shall be no effects of movement, flashing, scintillation, or similar effects in the individual images.

c. Changes of image shall be substantially instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving or similar effects as part of the change.

d. Video technology in signs shall use automatic level controls to reduce light levels at night and under cloudy or other darkened conditions, in accordance with the following standards. All electronic or digital display unit message boards shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the electronic billboard based on ambient light conditions. Maximum brightness levels for electronic or digital display boards shall not increase by more than 0.3 foot candles (over ambient levels) as measured using a foot candle meter at a preset distance. This distance shall be based upon the particular copy area size being considered as recommended by the Illuminating Engineering Society of North America (IESNA)

e. Any sign using video technology which malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing therein motion, movement, flashing or any other similar effects, shall be repaired or disconnected within 48 hours by the owner or operator of such sign.

f. The area of a sign consisting of electric or electronic message board elements shall not constitute more than 200 square feet of a sign.

g. The following limitations shall apply to the location of signs using video technology for a message board:

(1). A sign on which the video technology includes 100 or more square feet of sign area shall not be erected within 500 feet of property falling in one of the City's or County's residential zoning districts, although this restriction shall not apply to mixed use districts and commercial districts allowing residential uses.

(2). A sign on which the video technology includes 20 or more square feet of sign area but less then 100 square feet of sign area shall not be erected within 200 feet of property falling in one of the City's or County's residential zoning districts, although this restriction shall not apply to mixed use districts and commercial districts allowing residential use.

(3). A sign on which the video technology includes less then 20 square feet of sign area shall not be erected within 100 feet of property zoned and use exclusively for single family uses: it is the express intent of this provision to allow the use of such technology on signs for institutional uses located in residential districts, provided that the required separation is maintained.

F. Interference with Roadway Visibility; Confusion of Drivers.

1. No sign shall be maintained at any location where by reason of its position, size or shape, may obstruct, impair, obscure, interfere with the view of or be confused with any traffic control sign, signal or device or where it may interfere with, mislead or confuse traffic.

2. No detached sign, except signs allowed under Section II.D.1., 2.or 3. shall be located in any vision triangle on a corner lot, except no individual structural element shall extend more than eighteen (18) inches inside of any vision triangle or in the vision triangle of a private drive